

## COAL ROADS WIN COURT VICTORY OVER BONAPARTE

Commodities Clause of Hepburn Act Declared Unconstitutional.

PHILADELPHIA, Sept. 10.—The commodities clause of the Hepburn Railroad Act was today declared to be unconstitutional by the United States Circuit Court for the Eastern District of Pennsylvania.

The commodities clause constitutes the fifth paragraph of the first section of the Interstate Commerce Act, it being one of the amendments made by the Hepburn Railroad Act of June 20, 1906. The clause provides that after May 1, 1908, it shall be lawful for any railroad company to transport for any railroad company any article or commodity, manufactured, mined or produced by it or under its authority, directly or indirectly, except such articles or commodities as may be necessary for its use in the conduct of its business as a common carrier.

The clause exempts timber and its manufactured products, and is aimed particularly at railroads owning coal mines.

The case was argued on June 16 and 17 before Judges George M. Dallas,

George Gray and Joseph Buffington. The railroad companies involved here were the Jersey Central, the Lehigh Valley, the Erie, the Delaware, Lackawanna and Western, the Delaware and Hudson, the Pennsylvania and the Philadelphia and Reading. Ninety per cent. of all the mined anthracite coal in Pennsylvania belongs to these corporations or to coal companies whose shares are held by them. The Philadelphia and Reading's case was not argued along with the others because of certain questions of law involved in its ownership.

The commodities clause case was considered so important that Attorney-General Bonaparte came to this city and personally made the principal argument in behalf of the Government, other aid being given by the Government's special assistants to the Attorney-General. The general counsel for the railroads were John C. Johnson, of this city, and R. W. De Forest, of New York, who were assisted by the legal staffs of the railroads interested.

Prior to the clause going into effect the anthracite coal-carrying railroads could not compete with the coal companies in making great sacrifices. It was pointed out that because of the then existing financial stringency the coal companies could not dispose of their coal properties except at tremendous loss and they further declared their conviction that the clause was unconstitutional. Thereupon the Government agreed not to enforce the clause until a decision was had upon law points involving its constitutionality.

The Government then died a bit in equity upholding the Government's contention that the clause was unconstitutional. The railroads in their answers to the Government's complaints gave seven different reasons why the clause was not unconstitutional. It was contended, among other things, that it was not discriminatory and a prohibition against the railroads of carrying and transporting coal, and that it violated a right reserved to the States.

The clause exempts not only a penalty not to exceed \$500 for each violation of the clause, but also the right of the Government to sue for damages. The clause also provides that any person who violates it shall be liable to a fine of \$500 for each day.

## AIR PIPE BURSTS ON SUBWAY WORK, CAUSES RUNAWAY

Battery Park Thronged With Frightened Persons After Loud Explosion.

With a report heard for blocks and which startled many persons in office buildings, a pipe used for conveying compressed air in the subway excavation at the Battery, broke in three places just before noon today. The pipe was hung underneath the elevated structure and little damage was done.

The report, however, frightened a team of horses, which dashed through Battery Park, and also frightened hundreds of occupants of buildings. A few minutes after the report the park was crowded with men and women, who rushed about wildly, believing several persons had been injured.

Work has been going on between the South Ferry and Bowling Green stations building a loop for shuttle trains. At the South Ferry station is the compressing station and the air was carried to the Bowling Green station in a four-inch pipe main. This hung about ten feet beneath the elevated structure. The break occurred opposite the Mils-

son of Our Lady of the Rosary, No. 1 State street.

Employees got to work after the explosion and tore down the damaged pipe. Work will be suspended until the damage is repaired.

## DOCTOR'S MISTAKES CORRECTED.

TUBERCULOSIS CURED.

The remarkable success of Dr. Anderson's treatment and cure of disease of the lungs, heart, liver and stomach is due to the use of his wonderful and scientific invention, the Anderson X-Ray apparatus, for diagnosing disease of these organs. An examination with this X-Ray apparatus only a few seconds' time enables the doctor to secure an absolutely correct diagnosis immediately, and he is then able to direct the proper kind of treatment without experiment or delay, and without exposing the patient to the dangers of frequent X-ray examinations.

These facts are not based upon a few experiments with a X-ray picture, but are the result of Anderson's years' experience and as an expert lung specialist in New York.

If you have any symptoms of Catarrh, Hay Fever, Asthma, Bronchitis, Consumption or bad results from La Grippe, head the warning and consult Dr. Anderson for a correct diagnosis of your trouble at once, before tubercles develop or serious complications develop.

Do not neglect, do not delay, do not experiment and do not wait for fall break-down to overtake you. Be sure of what your real ailment is before trying any remedy or treatment. Office consultation and examination free of charge. No fee until cured. Dr. Anderson's office is located at No. 10 West 23d St. between 10th and 11th Ave., New York. Hours: 10 to 4. Office open on Monday, Wednesday and Friday evenings till 8 o'clock (Sundays, 11 to 2). It is unable to call, write for advice.

One Block from 23d Street  
Terminal Hudson Tunnel  
Telephone 5700 Chelsea

**O'NEILL-ADAMS & Co**  
Established Forty-One Years

Sixth Avenue's Greatest Store  
Carriage Entrances on 21st Street  
Telephone 5700 Chelsea

Our Delivery Service in New Jersey Is the Most Complete of Any New York Store

## Special Sale of Children's School Umbrellas Splendid Values at Prices Quoted



Lot 1—Umbrellas—covered with tape edge, American piece dye fabrics; handles of both plain and fancy designs. Values from \$1.00 to \$1.25; sale price ..... 85c

Lot 2—Umbrellas—covered with extra quality Union taffeta; also others of a fine all silk taffeta; handles of imported natural wood. Value \$1.65 to \$2.50; sale price ..... \$1.25

## Useful Fall Hints from the Upholstery Department

O'NEILL BUILDING

15c Figured Swiss, 10c Yard

33 inches wide, extra quality, all popular jacquard figures, expressly for curtain purposes. Regular price, per yard, 15c; special at ..... 10c

28c Window Shades at 19c Each

500 opaque Window Shades, 36x72 inches, several popular colors to select from, all mounted on good, strong spring roller, suitable to carry same. Regular price 28c each; special at ..... 19c

\$2.50 Matting Covered Utility Boxes, \$1.50

These popular boxes are used not only as a receptacle for shirt waists, but are also a very convenient window seat, as they are strongly constructed. Regular price \$2.50 each; special ..... \$1.50

30c Cathedral Cloth, 22c Yard

40 inches wide, an exceptionally pretty drapery; made of scrim; the designs are cathedral effect and very popular; five color combinations to select from. Elsewhere at 50c, per yard; special at this sale ..... 22c

## Choice Groceries—Special

ADAMS BUILDING—(Phone 5700 Chelsea)

Tomatoes—The Rob Roy Brand, solid packed Jersey Tomatoes, whole red ripe fruit, No. 3 tins, elsewhere 15c, special for ..... 10c

Evaporated Milk—Borden's peerless Evaporated Milk, 20-oz. tall tins, elsewhere 10c, special for ..... 8c

Butter—Finest Elgin Creamery Table Butter, sweet, fresh made quality, sealed crocks of 5 lbs. net weight, special for ..... \$1.43

GRAPES—The Golden Raisin Brand, 12-oz. tins, elsewhere 12c, special for ..... 10c

COFFEE—Haggen's Brand, 12-oz. tins, elsewhere 12c, special for ..... 10c

TEA—The Golden Tea, 12-oz. tins, elsewhere 12c, special for ..... 10c

ON TONGUE—The Daily Brand, 12-oz. tins, elsewhere 12c, special for ..... 10c

OLIVE OIL—The Daily Brand, 12-oz. tins, elsewhere 12c, special for ..... 10c

SPICES—Ground Ginger, Ground Allspice, Ground Cloves, or mixed pickling spices, per pound ..... 15c

String Beans—J. Ludington's Harpoon Brand Green String Beans, new season's pack, per doz., \$1.09; per tin ..... 10c

## Continuing the Great Sale of Importer's Sample Hosiery For Men and Women



Thousands of Pairs of the Best Hosiery Every Offered at Almost Half Price

The collection comprises plain and novelty list thread Hosiery for women and men. A large portion of this Hosiery is taken direct from our own regular stocks, numbers to be discontinued and assortments which have become incomplete. These regular lines have been put in the lots with samples—all marked at extremely low prices to close.

Plain Cottons, Plain Lises, Striped and Fancy Lises, Silk Mixed Jacquard Lise, Silk Hand Embroidered Lace Lises and Plain Silks. In the lots will be found all the plain colors, including many tans, russets and white.

Men's and Women's 25c Hosiery,	15c	Men's and Women's 39c and 50c Hosiery,	25c
Women's 75c to \$1.00 Hosiery,	45c	Men's and Women's \$1.00 to \$1.50 Hosiery,	65c

## Important Sale Friday and Saturday of Oil Paintings

At Exactly Half Regular Prices

ADAMS BUILDING

The collection includes Landscapes, Marines, Venetians, &c., in a large variety of subjects to select from. Every picture has a heavy gold burnished frame, mounted corners, shadow box and glass protection.

A rare opportunity to brighten up the home for Fall and Winter and save just half what you would ordinarily have to pay.

\$35.00 Oil Paintings...	\$ 7.50	\$16.50 Oil Paintings...	\$ 8.25
\$20.00 Oil Paintings...	\$10.00	\$69.00 Oil Paintings...	\$34.50
\$25.00 Oil Paintings...	\$12.50	\$30.00 Oil Paintings...	\$15.00

## Picture Framing

Our Picture Framing Department is the best equipped in New York. Orders left at our special order counter will be executed promptly in a thoroughly satisfactory manner.

We carry at all times a complete line of ready made Frames in the latest styles. Prices moderate throughout.

On Friday and Saturday We Will Offer  
**\$22.50 Bicycles at \$17.50**  
and  
**\$27.50 Bicycles at \$20.00**

ADAMS BUILDING

These Bicycles were built by one of the best makers in the world and named by them "Gloria." They are made of the best one-inch enamelled seamless tubing, with drop frames; height 20 and 22 inches; fully guaranteed tire. Wheels you would consider

splendid values at \$22.50 and \$27.50; very special at

**\$17.50 and \$20.00**

(The \$20.00 Bicycle includes the coaster brake.)

## Club Plan

The introduction of our Club Plan has made it possible for any one to select from our magnificent line of FURNITURE, CARPETS

AND UPHOLSTERIES such furnishings as they desire, pay only a part of the cost at time of purchase and arrange for the balance in easy payments. This applies to things reduced in price as well as those regularly priced. Why not try the Club Plan?

## Porch and Lawn Furniture at Half Price

ADAMS BUILDING

We do not carry Porch and Lawn Furniture through the Fall and Winter season, therefore every piece in our entire stock is marked at exactly half original price to close at once.

\$2.50 Porch Rockers.....	\$1.25	\$10.00 Cane Settees.....	\$5.00
\$2.25 Porch Rockers.....	\$1.13	\$11.00 Cane Rocking Settees.....	\$5.50
\$2.00 Porch Rockers.....	\$1.00	\$16.00 Reed Settees.....	\$8.00
\$5.50 Jumbo Rockers.....	\$2.75	\$2.00 Old Hickory Rockers.....	\$1.00
\$8.00 Jumbo Rockers.....	\$4.00	\$2.80 Old Hickory Rockers.....	\$1.40
\$5.00 Porch Settees.....	\$2.50	\$3.20 Old Hickory Rockers.....	\$1.60
\$7.25 Rocking Settees.....	\$3.63	\$4.80 Old Hickory Rockers.....	\$2.40
\$5.25 Rocking Settees.....	\$2.63	\$5.20 Old Hickory Rockers.....	\$2.60
\$3.00 Canvas Sewing Chairs.....	\$2.50	\$4.80 Old Hickory Armchair.....	\$2.40
\$5.00 Canvas Reclining Chairs.....	\$2.50	\$7.60 Old Hickory Conversation Chair.....	\$3.80
\$1.25 Canvas Reclining Chairs.....	63c	\$16.00 Old Hickory Couch.....	\$8.00
\$4.75 Bentwood 5 ft. Lawn Settee.....	\$2.38	\$8.00 Old Hickory Dining Table.....	\$4.00
\$4.50 Bentwood 4 ft. Lawn Settee.....	\$2.25	\$2.00 Old Hickory Window Seat.....	\$1.00
\$5.00 Bentwood 6 ft. Lawn Settee.....	\$2.50	\$12.80 Old Hickory Garden Seat.....	\$6.40
\$7.25 Bentwood Porch Swings.....	\$3.63	\$2.40 Old Hickory Hanging Basket, with chain.....	\$1.20
\$1.75 Children's Porch Rockers.....	88c		

Headquarters for the "Educator" Shoes

**FRAZIN & OPPENHEIM**  
Southwest Corner 6th Ave. and 18th St., New York.



## New Fall Styles of Women's Shoes

Sample stocks from prominent shoe manufacturers, in Tan Kidskin, Black, Gun Metal Calfskin, Patent Calfskin and Glazed Vici Kidskin. HAND WELTED SOLES. Makers' regular \$2.50 and \$3.00 grades in Lace, Button and Bluchers. Sizes 2½ to 8. Widths A to EE. High Cuban and military heels. Also the same styles for school girls, sizes 2½ to 5½ with half heels, at

**\$1.50** Pair

## Men's Sample Shoes

From leading Brockton Shoe Mfrs. Worth \$2 and \$2.50 In Medium and Heavy Weights Dull and Bright Leathers. Also a lot in Tan. Sizes 6 to 10. At ..... **\$1.50**

## Dr. Keller's \$3 Shoes at \$1.95

For Nurses, Teachers, Saleswomen, or Any Who Are Much on Their Feet. Made of Imported Kid and Black French Vici, Hand-sewn, Flexible Leather Soles, very dressy and comfortable. Sizes 3 to 8; widths D to EEE.

**\$1.95**

## SPECIAL!!! 5,000 Pairs of Women's Solid Leather Shoes

Made of vici kidskin, with patent leather tips, medium military heels, extension soles, laced or button. Formerly sold at \$2.00.

To Close at **\$1.00**

## Manufacturer's Clean-Up Sale of "American Girl"

**\$3.50 Pumps**  
**\$3.00 Oxfords**

Sizes 2½ to 8 All widths, All at **\$1.00** A Pair

Women's White Canvas Oxfords 50c  
Sizes 2½ to 8 \$2.00 Values

**\$1.95**

For Dr. Keller's Comfort \$3 Shoes in all sizes and widths

**\$1.95**

## SPECIAL!!! 10,000 Pairs of Misses' School Shoes

Sizes 8½ to 11, at

**\$1.00**

## Young Ladies' Shoes

Sizes 2½ to 5½ with 1½ inch heels. Twenty new Fall styles; Patent Calfskin and Vici Kidskin; Lace or Button; extension soles; sold in other stores at \$2.00 a pair; our price,...

**\$1.25**

## Misses' Shoes

Made from selected Vici Kidskin and Gun Metal Calfskin; Lace, Button and Bluchers; solid leather extension soles; about a 600 pairs, worth \$1.50 and \$2.00 at

**\$1.00**

## School Shoes for Boys and Girls

High Cut Shoes for Girls New Fall Styles



Genuine Vici Kid uppers, patent leather tips; lace or button; low school heels; sizes 8½ to 11 and 11½ to 2. Solid leather Extension Soles—a bargain; never sold for less than \$2.00. Special for to-morrow, at **\$1.39** A Pair

Special!!! 5,000 pairs of Infants' Shoes, Sizes 8 to 10 Flexible Leather Soles at



**\$1.25**

Special!!! 10,000 Pairs of Misses' School Shoes Sizes 8½ to 11, at



**\$1.00**

Young Ladies' Shoes Sizes 2½ to 5½ with 1½ inch heels



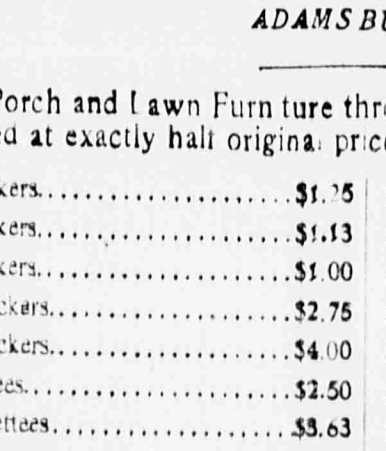
**\$1.25**

Misses' Shoes Sizes 8½ to 11 and 11½ to 2



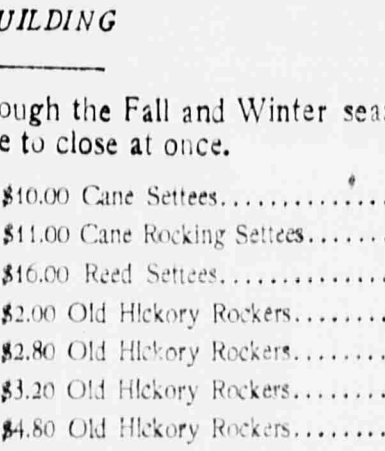
**\$1.00**

Boys' Tan Shoes Sizes 1 to 10½



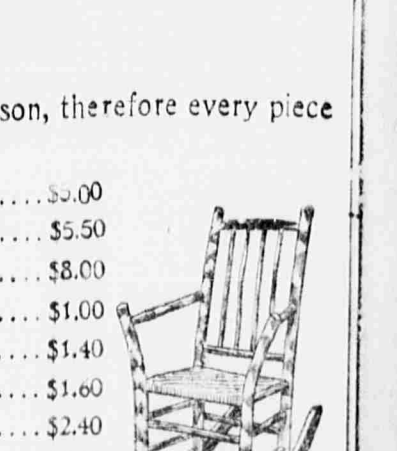
**\$1.39**

Boys' Gun Metal Calf Sizes 9 to 11½



**\$1.50**

Boys' Calfskin Shoes Sizes 9 to 11½



**\$1.00**

Boys' Durable Shoes Sizes 9 to 11½



**69c**